

**Notice of Allowability**

Application No.

10/501,907

Examiner

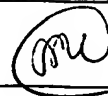
Nicholas Ponomarenko

Applicant(s)

AUKON, DENNIS W

Art Unit

2834



**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/16/04.
2. ☒ The allowed claim(s) is/are 1,3,5 and 7-12.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>7/16/04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                              | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Election/Restriction***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-12, drawn to a hydroelectric generator system with three transmissions.

II. Claim 13, drawn to a hydroelectric generator system with six transmissions.

III. Claims 14-20, drawn to a method for generating electrical power by a mechanism with orbiting central axle.

IV. Claims 21 and 22, drawn to a hydroelectric generator with means to transmit a force of moving water to the generator.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions of Group I through IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects.

(MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation, functions, and effects.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Art Unit: 2834

4. During a telephone conversation with Mr. Timothy L. Boller (Reg. No. 47,435) on January 12, 2006 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-12. Claims 13-22 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. This application is in condition for allowance except for the presence of claims 13-22 to invention(s) non-elected without traverse. Accordingly, claims 13-22 have been cancelled.

***Examiner's Amendment***

6. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. §1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

7. Authorization for this Examiner's Amendment was given in a telephone interview with Mr. Timothy L. Boller (Reg. No. 47,435) on January 12, 2006.

8. The application has been amended as follows:

Cancel claims 2, 4, 6, and 13-22.

Amend claims 1, 3 and 5 as follows:

Art Unit: 2834

1. (Amended) A hydroelectric generator for use with moving water, comprising:

- a support configured to secure the hydroelectric generator with respect to the moving water;
- a fixed axle coupled to the support;
- a transmission axle coupled to the support via a coupling device and in parallel to the fixed axle;
- a first mechanical transmission system configured to orbit the transmission axle about the fixed axle;
- a second mechanical transmission system configured to spin the transmission axle; and
- a third mechanical transmission system configured to drive a first driven member of a device for generating electricity;

wherein the first mechanical transmission system comprises:

- a drum rotatably coupled to the fixed axle, wherein the transmission axle is rotatably mounted within the drum; and
- a plurality of paddles depending from the drum and configured to receive a force applied by the moving water to cause the drum and the transmission axle to orbit about the fixed axle;

wherein the second mechanical transmission system comprises a sun gear coupled to the fixed axle for engaging a pinion gear coupled to the transmission axle;

and

wherein the third mechanical transmission system comprises a gear coupled to the transmission axle that engages a gear configured to drive the first driven member of the device for generating electricity.

In claim 3, line 1, replace "claim 2" with – claim 1 --.

In claim 5, line 1, replace "claim 4" with – claim 1 --.

#### ***Reasons for Allowance***

9. Claims 1, 3, 5 and 7-12 are allowed.

#### **10. Examiner's Statement of Reasons for Allowance:**

Applicant's invention relates to a hydroelectric generator, and more specifically, to a hydroelectric generator utilizing a transmission located within a rotatable drum impelled by the water.

The system has a rotatable drum with paddles to be rotated by the moving water. Inside the drum a number of transmissions are located to transmit the force of moving water to the generator located within the drum for generating electricity, as disclosed.

There are inventions in the field that provide similar functionality and/or have similar features, as prior art of record shows. Applicant's invention differs from the prior art of record by the combination of its functional elements, including the drum with transmissions and the generators, all conveniently combined inside the drum, which achieves the claimed performance, and which examiner's search failed to find.

Art Unit: 2834

11. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant(s) disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Ponomarenko whose telephone number is (571) 272- 2033, Fax: (571) 273-2033, or to his SPE Darren Schuberg – (571) 272-2044.

14. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2800 Customer Service  
Phone: (571) 272-2815

np  
January 12, 2006



**Nicholas Ponomarenko**  
**Primary Examiner**  
**Technology Center 2800**